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BY CM/ECF & HAND DELIVERY

The Honorable Maryellen Noreika
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Rothschild Digital Confirmation, LLC v. CompanyCam, Inc.*,
C.A. No. 19-1109-MN (D. Del.)

Dear Judge Noreika,

Defendant CompanyCam, Inc. (“CompanyCam”) writes to update the Court in regard to plaintiff Rothschild Digital Confirmation, LLC’s (“RDC”) September 30, 2021 letter.

CompanyCam served both interrogatories and requests for production (“RFPs”). RDC claims to have served responses to the interrogatories, but is unclear whether it also served RFP responses. D.I. 53 at 1; *id.*, exs. A-B. CompanyCam has not yet received any interrogatory or RFP responses. CompanyCam asked RDC’s counsel to send the responses by e-mail, and to provide contact information for their client’s in-house counsel, but they have not yet done so.

Moreover, Mr. Leigh Rothschild is not an attorney of record and cannot sign discovery responses. Fed. R. Civ. P. 26(g). Rule 26 permits an unrepresented party to sign discovery responses, but RDC is represented and cannot proceed unrepresented. *Upshur v. Hospedale*, C.A. No. 17-1358-RGA, 2018 U.S. Dist. LEXIS 5803, at *4 (D. Del. Jan. 12, 2018); *Hooper-Haas v. Ziegler Holdings, LLC*, 690 F.3d 34, 41 (1st Cir. 2012) (an LLC cannot represent itself).

Thus, the issues of RDC’s failure to respond to CompanyCam’s discovery and its waiver of any objections thereto remain ripe for resolution. The attorney’s fees at issue are significant to CompanyCam, and RDC should be held accountable to the Court’s orders and rules.

Respectfully submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: Clerk of the Court (by CM/ECF & hand delivery)
All counsel of record (by CM/ECF & e-mail)